

**RECEIVED  
CENTRAL FAX CENTER**

SEP 17 2007

Walker  
&  
Jocke

a legal professional association

Ralph E. Jocke  
Patent  
&  
Trademark Law

**FACSIMILE TRANSMISSION COVER SHEET**

TRANSMITTING: 5 PAGES (INCLUDING THIS PAGE)

NAME: Director of Technology Center 2600  
Commissioner for Patents  
U.S. Patent and Trademark Office

FAX NUMBER: (571) 273-8300

SENDER: Ralph E. Jocke, Esq.

FAX NUMBER: (330) 722-6446

PHONE NUMBER: (330) 721-0000

COMMENTS: Please enter the attached Petition in Application 10/796,506 (D-1243).

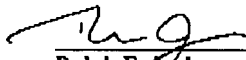
If you do not receive all pages, contact the sender IMMEDIATELY at the number listed below.

The information contained in this facsimile message is confidential and intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited and will be considered a tortious interference in our confidential business relationships. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the address below via the U.S. Postal Service. Thank you.

**CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.6(d)****FACSIMILE TRANSMISSION**

I hereby certify that, on the date shown below, this correspondence is being transmitted by facsimile to the Patent and Trademark Office at (571) 273-8300.

Date: 9/17/2007

  
Ralph E. Jocke

330 • 721 • 0000  
MEDINA330 • 225 • 1669  
CLEVELAND330 • 722 • 6446  
FACSIMILErej@walkerandjocke.com  
E-MAIL

231 South Broadway, Medina, Ohio U.S.A. 44256-2601

**RECEIVED**  
**CENTRAL FAX CENTER**

D-1243

SEP 17 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	)	
<b>Enright, et al.</b>	)	
	)	
Application No.: 10/796,506	)	Art Unit 2621
	)	
Confirmation No.: 1933	)	
	)	
Filing Date: March 9, 2004	)	Patent Examiner
	)	Anand Shashikant Rao
	)	
Title: Cash Dispensing Automated	)	
Banking Machine With Improved	)	
Fraud Detection Capabilities	)	

Director of Technology Center 2600  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action ("Action") dated July 19, 2007, kindly enter the following petition under 37 CFR § 1.181 without prejudice.

- 1 -

## **Petition To Have The Objection To The Drawings Withdrawn**

### **Basis For The Petition**

In the Office Action dated February 1, 2007 the drawings were objected to under 37 CFR 1.83(a) because Figure 15 allegedly fails to show an "oscillator" and a "vibratory circuitry" as described in the specification. The Applicants filed a Request for reconsideration on April 12, 2007. The Request included both an amendment to the specification regarding description of Figure 15 and a traversal of the drawing objection. The Examiner maintained the drawing objection in the final Office Action dated July 19, 2007. Thus, Applicants petition herein to have the drawing objection withdrawn because it is legally improper.

### **The Drawing Objection Is Legally Improper**

The drawing objection is based solely on 37 CFR 1.83(a), which states:

"The drawing in a nonprovisional application must show every feature of the invention specified in the *claims*".

However, 37 CFR 1.83(a) provides a drawing exception to the above "every feature" statement with regard to "conventional features" that are both claimed and disclosed. That is, 37 CFR 1.83(a) further states:

"However, conventional features disclosed in the description *and* claims, where their detailed illustration is not essential for a proper understanding of the [claimed] invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation".

The 37 CFR 1.83(a) language reads "conventional features disclosed in the description *and* claims", not "description *or* claims". The Examiner correctly admits (in the final Action at page 3, lines 14-19) that every claimed feature in the present application is shown in the drawings. Furthermore, neither "oscillator" nor "vibration circuitry" appears in any *claim*. If a feature is not recited in a claim, then it cannot be *essential for a proper understanding* of the claimed invention. Thus, Applicants respectfully submit that 37 CFR 1.83(a) is not applicable to the pending claims, and the objection should be withdrawn.

Also, the Examiner's indicated need for a "*structural* detail" (Action dated February 1, 2007 at page 2, first paragraph) showing of an "oscillator" and a "vibratory circuitry" in order to personally understand the claimed invention is without legal basis. The present application comprises *process* claims. It is established USPTO policy that when an application includes at least one process claim, then a drawing is *not* necessary for an *understanding of the invention*. Note MPEP § 601.01(f) and MPEP § 508.02(III). Thus, the drawing objection is *prima facie* contrary to USPTO examination policy, and should be withdrawn.

Furthermore, the specification does not refer to reference numerals in Figure 15 which correspond to an "oscillator" or a "vibration circuitry". Again, the objection is legally improper and should be withdrawn.

Lastly, the Examiner appears to indicate (in the final Action at page 4, lines 3-4) that the objection is based on some possible future act by Applicants. Thus, the objection is further legally improper because it is not based on the pending claims. For this additional reason the objection should be withdrawn.

**Conclusion**

Applicants respectfully request grant of their petition to have the objection withdrawn.

Respectfully submitted,



Ralph E. Jocke      Reg. No. 31,029  
WALKER & JOCKE  
231 South Broadway  
Medina, Ohio 44256  
(330) 721-0000